
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK ROEHLER,

Plaintiff,

Case No.

v.

Hon.

GREENTREES MI, LLC, a Foreign
Limited Liability Company,
d/b/a GREENTREES APARTMENTS,

Defendants.

Joseph D. Engerer (79839) HELMKAMP, ELLIS, ABRAHAM ENGERER Attorneys for Plaintiff 19500 Victor Parkway, Suite 150 Livonia, MI 48152 P: (734)591-3737 joseph@milivonialawyer.com	John C. Stiglich, II (P82474) WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP Attorneys for Defendant, Greentrees MI, LLC 17197 N. Laurel Park Drive, Suite 201 Livonia, Michigan 48152 P: (313) 327-3100 john.stiglich@wilsonelser.com
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DEFENDANT'S NOTICE OF
REMOVAL PURSUANT TO 28 U.S.C. § 1446

Defendant, GREENTREES MI, LLC ("Greentrees"), by and through its attorneys, submit this notice of removal in accordance with 28 U.S.C. §1446 and state as follows in support:

1. On or about August 25, 2020, Plaintiff filed a personal injury complaint in Wayne County Circuit Court commencing the action *Frank Roehler v. Greentrees MI, LLC* (case number 20-010968-NO). (A copy of the Complaint is attached as Exhibit A.)

2. The lawsuit arises out of an incident that allegedly occurred in September 2017 wherein Plaintiff sliced his toe in a bathtub within an apartment leased to him by Greentrees. Plaintiff alleges he sustained personal injuries as a result of the accident. (*See generally* Exhibit A).

3. Plaintiff is a citizen of the state of Michigan. (*See* Ex. A at ¶ 1)

4. Greentrees is a limited liability company organized under the laws of Delaware and has its principal place of business in Lakewood, New Jersey. The only member of Greentrees is LSG Michigan II, LLC.

5. LSG Michigan II, LLC is a limited liability company organized under the laws of Delaware and has its principal place of business in Lakewood, New Jersey. The only member of LSG Michigan II, LLC is LSG Michigan Mezz II, LLC.

6. LSG Michigan Mezz II, LLC is a limited liability company organized under the laws of Delaware and has its principal place of business in Lakewood, New Jersey. The only member of LSG Michigan Mezz II, LLC is LSG Enterprises, LLC.

7. LSG Enterprises, LLC is a limited liability company organized under the laws of Delaware and has its principal place of business in Lakewood, New Jersey. The only member of LSG Enterprises, LLC is Lightstone Enterprises Limited.

8. Lightstone Enterprises Limited is a corporation organized under the laws of the British Virgin Islands and has its principal place of business in the British Virgin Islands. The sole shareholder of Lightstone Enterprises Limited is Lightstone Parent, LLC.

9. Lightstone Parent, LLC is a limited liability company organized under the laws of Delaware and has its principal place of business in Lakewood, New Jersey. The only member of Lightstone Parent, LLC is SAYT Master Holdco, LLC.

10. SAYT Master Holdco, LLC is a limited liability company organized under the laws of Delaware and has its principal place of business in Lakewood, New Jersey. The two members of SAYT Master Holdco, LLC are David Lichtenstein and Shifra Lichtenstein.

11. David Lichtenstein and Shifra Lichtenstein are both individuals who are citizens of New York.

12. Based on the above facts, there is complete diversity of citizenship among the parties based on 28 U.S.C. § 1332(a). Plaintiff is a citizen of Michigan,

while Greentrees and its members are citizens of Delaware, New Jersey, New York, and the British Virgin Islands.

13. Diversity jurisdiction further exists because the amount in controversy exceeds \$75,000.

14. Plaintiff's Complaint only alleges that "the amount in controversy exceeds \$25,000," which is the jurisdictional requisite for a state circuit court action. (*See* Ex. A, ¶ 6)

15. However, Plaintiff's Complaint also alleges that, as a result of the incident, his right great toe was amputated and he required extensive hospitalization and rehabilitation for his injuries. (Ex. A, ¶ 11)

16. Given the alleged injuries and damages, Greentrees believe that the amount in controversy exceeds \$75,000 exclusive of interest and costs.

17. Based on the above, removal of the state court action to this court is proper under 28 U.S.C. §§ 1332(a)(2) and 1446(b) due to diversity of citizenship of all the parties and an amount in controversy in excess of \$75,000 exclusive of interest and costs.

18. Greentrees' registered agent was served with Plaintiff's Complaint and Summons via Certified Mail on or about November 20, 2020. (*See* Proof of Service, attached as Exhibit B).

19. On December 2, 2020, the state court action was administratively dismissed for failure to timely serve the defendants.

20. Plaintiff immediately filed a Motion to Set Aside the Dismissal Order and reinstate the case as to Greentrees only. (*See* Motion to Set Aside and Supplement, attached as Exhibit C)

21. On or about April 15, 2021, the state court entered an Order granting Plaintiff's motion, setting aside the Dismissal Order, reinstating Plaintiff's case as to Greentrees only, and permitting Greentrees twenty-eight (28) days to file responsive pleadings. (*See* April 15, 2021 Order, attached as Exhibit D).

22. Therefore, as of the date of this notice, all defendants who have been properly joined and served consent to removal pursuant to 28 U.S.C. § 1446.

23. Defendants have attached as Exhibits A-H copies of all process, pleadings and orders served upon them in this matter pursuant to 28 U.S.C. § 1446(a).

24. Thus, all the requirements for removal of the state court action to this court under 28 U.S.C. § 1446 and Local Rule 81.1 are met, and this court's jurisdiction is established based on diversity jurisdiction.

For the foregoing reasons, Defendant, GREENTREES MI, LLC, removes this action from Wayne County Circuit Court to the United States District Court – Eastern District of Michigan.

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP

Dated: April 22, 2021

By: /s/ John C. Stiglich II
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Certificate of Service

The undersigned certifies that on April 22, 2021, this document was electronically filed with the Clerk of the Court using the CM/ECF system and served upon all counsel of record via Wayne County Trufile system.

/s/ John C. Stiglich II
John C. Stiglich II